

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

FEB 6 2024

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

ARTAK OVSEPIAN,

Defendant-Appellant.

No. 21-55515

D.C. No. 2:20-cv-07717-VAP
Central District of California,
Los Angeles

ORDER

Before: WARDLAW, FRIEDLAND and SUNG, Circuit Judges.

The district court's order denying Ovsepien's 28 U.S.C. § 2255 motion is **REVERSED** in light of the Supreme Court's decision in *Dubin v. United States*, 599 U.S. 110 (2023). The matter is **REMANDED** for the district court to **VACATE** Ovsepien's judgment of conviction and sentence on the aggravated identity theft count, 18 U.S.C. § 1028A.

Because Ovsepien has already been imprisoned for longer than his combined sentence on all other counts, the mandate shall issue forthwith, and the district court shall direct that Ovsepien be released from custody immediately. *See* Fed. R. App. P. 41(b) ("The court may shorten . . . the time by order."); 9th Cir. G.O. 4.6(b).

An opinion explaining this disposition will follow. Any petition for panel rehearing or rehearing en banc properly accompanied by a motion to recall the mandate shall be entertained.

IT IS SO ORDERED.